

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 19, 2004**

DIVISION ONE

B171889      Knudstrup, et al.                      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County,  
                 (Blakey et al., r.p.i.)

Let a preemptory writ of mandate issue commanding the trial court (1) to vacate its order denying the motion to disqualify Kenneth Ingber and the firm of Richman, Mann, Chizever, Phillips & Duiboff, and (2) to issue a new order granting the motion as prayed. Our stay is dissolved effective on the date this opinion becomes final. Knudstrup is awarded his costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:   Ortega, Acting P.J.  
                 Mallano, J.

DIVISION THREE

B155479      People    (Not for Publication)  
                 v.  
                 LeBeau

The judgment is affirmed.

Croskey, J.

We concur:   Klein, P.J.  
                 Kitching, J.

March 19, 2004 (Continued)

DIVISION THREE (Continued)

B169330 Keith A. Warlick, Sr. (Not for Publication)  
v.  
Carolyn D. Trader

The order is reversed and the matter is remanded for rendering of a statement of decision. The parties are to bear their own costs and attorney fees on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.  
Kitching, J.

DIVISION FOUR

Court convened at 9:00 a.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

Each of the following:

B172371 Jesus U. v. SCLA (DCFS)  
B164277 People v. Caballero and Escareno  
B169877 DCFS v. Evelyn E.

Argument waived, cause submitted.

B166154 People  
v.  
Richards

Merits:

Argued by Katharine Eileen Greenebaum for appellant and by Richard T. Breen, deputy attorney general for respondent. Appellant shall have to March 26, 2004 to file a response to respondent's letter brief dated March 17, 2004. Cause to be submitted upon the filing of appellant's response.

DIVISION FOUR (Continued)

B163090     Boyer  
              v.  
              Conlon

Merits:

Argued by Robert A. Schwartz for appellant and by David L. Brandon for respondent. Cause submitted.

B163952     People  
              v.  
              Green

Merits:

Argued by David D. Carico for appellant and by Stephanie A. Miyoshi, deputy attorney general for respondent. Cause submitted.

B170150     Qingdao Aucma Group  
              v.  
              Superior Court, Los Angeles County  
              (Worldwide Water, Inc. et al., r.p.i.)

Merits:

Argued by Lori S. Ross for petitioner and by Robert E. Young for real parties in interest. Cause submitted.

B165077     Boykin  
              v.  
              Boykin

Merits:

Argued by James Studer for appellant and by Rickey Ivie for respondent. Cause submitted.

Court in recess.

DIVISION FOUR (Continued)

Court reconvened at 1:30 p.m.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and V. Guzman, Deputy Clerk.

B167876      Los Angeles County, D.C.S.  
                 v.  
                 Diana S.

Merits:

Argued by Lisa M. Bassis for appellant and by Frank J. DaVanzo, deputy county counsel for respondent. Cause submitted.

B166015      People  
                 v.  
                 Hightower

Merits:

Argued by Walter K. Pyle for appellant and by Jason C. Tran, deputy attorney general for respondent. Cause submitted.

B159812      Aronsohn  
                 v.  
                 City of Los Angeles

Merits:

Argued by Stuart B. Esner for appellant and by Adrian J. Guidotti for respondent. Cause submitted.

B159815      Dickens  
                 v.  
                 Provident Life and Accident Insurance Company

Merits:

Argued by Ronald N. Richards for appellant and by Ann C. Schneider for respondent. Cause submitted.

DIVISION FOUR (Continued)

B131155     Ash  
              v.  
              Ash

Merits:

Argued by Hiram Ash in propria persona and by Gregory P. Korn for respondent. Cause submitted.

B164795     Truck Insurance Exchange  
              v.  
              Fireman's Fund Insurance Company

Merits:

Argued by Peter J. Logan for appellant, by Scott R. Hoyt for respondent Truck Insurance Exchange and by Philip E. Cook for respondent Kaiser Cement and Gypsum Corp. Counsel shall have to March 29, 2004 to file redacted briefs. Cause to be submitted upon the filing of redacted briefs.

Court adjourned.

DIVISION SIX

B169570     Human Services Agency     (Not for Publication)  
              v.  
              Richard C., et al.

The order is affirmed.

Gilbert, P.J.

We concur:    Yegan, J.  
                  Perren, J.

## March 19, 2004 (Continued)

## DIVISION SIX (Continued)

B165232 People (Not for Publication)  
v.  
Palomo

The judgment is affirmed.

Perren, J.

We concur:    Gilbert, P.J.  
                      Coffee, J.

B167262      Harris      (Not for Publication)  
v.  
Harris

The orders are reversed and the matter remanded for further proceedings. Neither party shall recover costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

B162351      Lopez      (Not for Publication)  
v.  
Via Rubio L.L.C.

The judgment is affirmed. Respondents shall recover their costs on appeal. In addition, respondents are entitled to attorney fees on appeal, in an amount to be determined on noticed motion in the trial court.

Perren, J.

We concur:    Gilbert, P.J.  
                              Yegan, J.

## March 19, 2004 (Continued)

## DIVISION SIX (Continued)

B167861 People (Not for Publication)  
v.  
Lemus, et al.

The judgments of conviction are affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B170922      Dept. of Alcoholic Beverage Control      (Not for Publication)  
v.  
Alcoholic Beverage Control Appeals Board  
7-Eleven, Inc., et al.

The Board's decision is reversed. The Department's decision suspending licensees' off-sale beer and wine license is affirmed. The Department is entitled to recover its costs in this writ proceeding.

Yegan, J.

We concur: Gilbert, P.J.  
Perren, J.

B161915      People      (Not for Publication)  
v.  
Alonso

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SIX (Continued)

B164906 People (Not for Publication)  
v.  
Geise, Jr.

The felony-murder special circumstances are reversed, the sentence of LWOP for the first degree murder conviction on count 1 is reversed, and the case is remanded for further proceedings. If the district attorney does not elect to retry appellant on the special circumstance allegations, the court shall resentence appellant to 25 years to life on count 1, the statutorily mandated term for first degree murder without special circumstances.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B168884      Ventura County Human Services Agency      (Not for Publication)  
v.  
Chantel W., et al.,  
In re T.C. et al., Persons Coming Under the Juvenile Court Law

The judgment (order terminating parental rights) is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B164659 People  
v.  
Sheppard

Filed order denying petition for rehearing.



DIVISION SEVEN

B165669      Chaffee      (Not for Publication)

v.

Sprint/United Management Company

Judgment in favor of Sprint is reversed. On remand the trial court shall (1) enter an order of summary adjudication as to Chaffee's claims for wrongful termination in violation of the public policies contained in the FMLA and CFRA; (2) enter an order of summary adjudication as to Chaffee's claims for breach of contract, breach of the implied covenant of good faith and fair dealing and fraud; and (3) conduct further proceedings not inconsistent with this opinion. The judgment in favor of Robertson is affirmed. Sprint and Chaffee shall bear its and her own costs on appeal. Robertson is to recover his costs on appeal.

Perluss, P.J.

We concur:    Woods, J.  
                      Zelon, J.

B162074      People      (Not for Publication)

v.

Howard

The judgment is reversed with respect to the life sentence imposed on the attempted murder count and the sentence of 25 years to life imposed on the second rape count, and the matter is remanded for resentencing on those counts. In all other respects, the judgment is affirmed.

Perluss, P.J.

We concur:    Woods, J.  
                      Zelon, J.

## March 19, 2004 (Continued)

## DIVISION SEVEN (Continued)

B169304 People (Not for Publication)  
v.  
Roland

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

B165053 Hoffman (Not for Publication)  
v.  
Del Rivo

The judgment is reversed, and the matter is remanded for further proceedings not inconsistent with this opinion. The Hoffmans are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.  
Zelon, J.

B168057      Estate of Portillo      (Not for Publication)  
v.  
Robinson Helicopter Co., Inc.

The judgment is reversed and remanded for trial. Appellants to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.  
Zelon, J.

DIVISION SEVEN (Continued)

B169134      Los Angeles County, D.C.S.      (Not for Publication)

v.

Michelle G.

In re Samuel D., a Minor

The orders are affirmed.

Woods, J.

We concur:    Perluss, P.J.  
                     Johnson, J.

DIVISION EIGHT

B161367      People v. Ramirez      (Not for Publication)

B167635      In re Ramirez on Habeas Corpus

The judgment is reversed as to count three, and the cause is remanded for further proceedings. The trial court is directed to stay the sentence on either count four or five. The court is further directed to permit appellant to withdraw his admission of the prior conviction. In all other respects, the judgment is affirmed, and the petition for writ of habeas corpus is denied.

Boland, J.

We concur:    Cooper, P.J.  
                     Rubin, J.

B167635      Los Angeles County, D.C.S.      (Not for Publication)

v.

Lisa C.

We reverse the juvenile court's April 7, 2003 minute order and orders under section 366.26 of the Welfare and Institutions Code, and remand this matter to that court with directions to vacate those orders and issue new orders which accurately reflect the court's ruling that the mother is allowed reasonable monitored visitation.

Boland, J.

We concur:    Cooper, P.J.  
                     Flier, J.